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**THE VIRGINIA DECLARATION OF RIGHTS, by George Mason**

A DECLARATION OF RIGHTS made by the representatives of the good people of Virginia, assembled in full and free convention which rights do pertain to them and their posterity, as the basis and foundation of government.

**Section 1.** That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

**Section 2.** That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

**Section 3.** That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

**Section 4.** None of mankind is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

**Section 5.** That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part, of the former members, to be again eligible, or ineligible, as the laws shall direct.

**Section 6.** That elections of members to serve as representatives of the people, in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

**Section 7.** That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

**Section 8.** That in all capital or criminal prosecutions a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers.

**Section 9.** That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Section 10.** That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

**Section 11.** That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

**Section 12.** That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

**Section 13.** That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

**Section 14.** That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

**Section 15.** That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.

**Section 16.** That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.

***Written by George Mason, and adopted by the Virginia Constitutional Convention on June 12, 1776.***

**QUESTIONS ABOUT THE VIRGINIA DECLARATION OF RIGHTS:**

1. What are the “inherent rights” of man articulated by George Mason? How do these rights compare to Thomas Jefferson’s notion of “unalienable rights?”

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2. All of the power of government is vested in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. What rights do the people have when a poorly administered government fails to promote common benefits, safety, and security for citizens? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. What style of government does Mason criticize in section four when he says no person has a right to emoluments and no government positions are hereditary?

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5. In section five, the Virginia Declaration of Rights promotes this feature of government:

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6. According to section six, who should have the right to vote in Virginia society? What does the Declaration of Rights state regarding taxes?

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7. Section seven states that no one but the legislature has the right to –

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8. List three important legal rights of the accused which are enumerated in section eight.

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9. What limitations are placed on the government with regards to the punishment of the criminally accused?

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10. What does section ten state regarding the issuing of warrants against citizens of Virginia?

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11. Section eleven guarantees the right to a trial by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

12. Section twelve confirms that the government should not restrain a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

13. Section thirteen is sounds very similar to the 2nd Amendment to the Constitution – which would be drafted in 1789; however, it promotes only a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Moreover, this section emphasizes the fact that the militia must always be under the control of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ authorities. The Founding Fathers considered the prospect of a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dangerous to our liberties.

14. Sovereignty was guaranteed in the state of Virginia by section fourteen, which claims that no government separate from or independent of Virginia should be established within the boundaries of the commonwealth. List at least two (2) examples which may violate the sovereignty of Virginia which exist today:

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15. What five (5) positive values are listed in section fifteen, which Virginians are encouraged to live by?

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16. What right is guaranteed to all Virginians by section sixteen? Why might Virginians in the 21st Century consider this passage somewhat hypocritical?

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